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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/854,708

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George W. Muncaster

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MOTOROLA INC
5401 NORTH BEACH STREET
MAILSTOP E230
FORT WORTH, TX 76137

EXAMINER

CROSLAND, DONNIE L

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,708

Applicant(s)

MUNCASTER ET AL.

Examiner

DONNIE L. CROSLAND

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-25 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-25, 27-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-10, 12, 13, 15-20, 22, 23, 25-29, and 31 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Obradovich et al.

The PCD device 20 reads on the recited positioning support device and the navigational feature is the GPS satellite system 10, see figures 1 and 2.

With respect to claim 5, note col. 12, lines 15-29, col. 14, lines 7-9.

With respect to claim 8, the addition, failure, or removal of the devices are inherent administration functions with respect to the distribution of the PCDs to users. For instance the addition, deletion, and the recognition of a device failure are all inherent administration features done by the provider.

Claims 1, 4, 6, 7, 9, 11-13, 15-20, 22, 23, 25-29, and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kurokawa et al.

These claims clearly read on the personal navigator as shown in figures 1 and 2.

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The use extends to marine sports, col. 1, lines 30-42, col. 8, and lines 6-15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 3, 14, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Obradovich et al or Kurokawa et al in view of Lima.

Neither Obradovich nor Kurokawa mentions the user of the navigator device is visually impaired.

Lima shows a personal navigator wherein the user is visually impaired, see col. 7, lines 59 et seq.

It would have been obvious to one having ordinary skill in the art to use the navigator device of either Obradovich or Kurokawa with a user that is visually impaired because the use of a personal navigator device with a visually impaired user is clearly suggested by Lima.

Claims 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obradovich or Kurokawa in view of McLaren, cited by applicants.

Neither Obradovich nor Kurokawa provide for underwater navigation.

McLaren shows a personal navigator operable to receive navigational information concerning underwater navigation, see figures 1, 2, and 5, and col. 4, lines 55 et seq.

It would have been obvious to one having ordinary skill in the art to extend the use of the personal navigator of either Obradovich or Kurokawa to underwater navigation because the use of a personal navigator for underwater navigation is clearly suggested by McLaren.

Response to Arguments

Applicant's arguments filed 6-03-04 have been fully considered but they are not persuasive. Applicants argue that the references fails to show positioning a support device for placement adjacent a navigational feature.

Obradovich clearly anticipates this language in providing a support device in the form of PCD device 20 and is placed near or adjacent (relative) a navigational feature 10.

The support device 20 transmits navigational information to other PCD devices (user device for receiving navigational information), col. 3, lines 60-67 and col. 4, lines 1-42, and figure 1.

Accordingly, the support device 20 placed near or adjacent navigation feature 10 transmits navigation data to other PCD devices, figure 1.

Claim 1 is also broad enough to read on the satellite 10 being the support device for transmitting navigational information to a navigational feature 20 of the PCD device, wherein the user device is the user of another PCD device, which receives navigation data from the support device 10 in figure 1.

With respect to Kurokawa, the positioning support device for placement a navigational feature reads on the orbiting satellite and the user device is shown in figure 1.

The examiner contends that both terms "near" and "adjacent" are relative with respect to positioning.

It is note that for instance in figure 1 Obradovich, the PCD device 20, as long as such is in communication with the satellite 10 forms a communication net and is hence adjacent or near the satellite 10.

It does not matter how many miles they are apart they are adjacent each other with respect to the communication link between the two.

It is submitted that the PCD device is adjacent the satellite 10 as illustrated in figure 1.

The same logic and reasoning applies with respect to the GPS receiver in figure 1 of Kurokawa et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is (703) 305-4388. The examiner can normally be reached on Mon-Fri, 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFERY HOFSSASS can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DONNIE L. CROSLAND
Primary Examiner
Art Unit 2636

Dlc
8-21-04